



PLANNING & ZONING REPORT

Zoning Board of Appeals Meeting of May 17, 2022

File # 011-22

APPLICANT: Dach Fence for Kelley Williamson Co.

LOCATION: 3901 Dawes Road

REQUESTED ACTION: A Variation to increase the maximum allowed fence height from six (6) feet to eight (8) feet within the required 20-foot front yard setback along Simpson Road in an I-1, Light Industrial Zoning District.

EXISTING USE: Kelly Williamson Lubricants

PROPOSED USE: Kelly Williamson Lubricants with an eight (8) feet within the required 20-foot front yard setback along Simpson Road.

DIMENSIONS: Irregular shape **ACRES:** 7.87 acres.

ADJACENT ZONING AND LAND USES:

NORTH:	I-1	Northern Illinois Electrical, Bricklayers Union
EAST:	C-3 & I-1	City of Rockford Well site, Mobil gas station
SOUTH:	C-3 & I-1	Vacant land, Single-family residences
WEST:	I-1	Midland Paper Company, Total Plumbing

YEAR 2020 PLAN: IG General Industry

SOILS REPORT: #22-514: By considering the current zoning, current land use, Geographical Information Systems maps, and requested variance, the Winnebago Soil and Water Conservation District has determined that the proposed change in fence height will have no significant impact on the natural resources on the property or surrounding area. Any supporting maps or information are available upon request at the SWCD office (additional fees may apply).

Watershed Impacts: The northwest portion of the PIQ is located in the Tunnison Creek watershed, while the remaining portion is located in the North Fork Kent Creek Watershed. The PIQ is in the upper end of each watershed, and do not have any off-site contributory flow going through the area. Increased storm water runoff from the site, and soil that erodes from the site, can degrade the water quality of the watershed and the downstream environment.

Floodplain Review: FEMA's National Flood Hazard Layer shows there are no floodplains within the boundary of the proposed project area. There is a floodplain east of PIQ.

National Wetlands Inventory: According to the US Fish and Wildlife Service National Wetlands Inventory, there are no mapped wetlands within proposed project area.

Geologic Information: This site has the Ordovician — Galena bedrock formation, which is predicted to be within 25 feet below the land surface.

Rusty Patch Bumble Bee

The U.S. Fish and Wildlife Service listed the rusty patched bumble bee as endangered under the Endangered Species Act. Endangered species are animals and plants that are in danger of becoming extinct. The rusty patch bumble bee is a pollinator that lives in prairies and grasslands which are one of the last species to go into hibernation. They need areas that provide nectar and pollen from flowers, nesting sites (underground), and overwintering sites for hibernating queens (undisturbed soil).

Many factors have led to the rust patch bumble bee becoming an endangered species. Most of prairies and grasslands of the Upper Midwest and Northeast have been converted to monoculture farms or developed areas, such as cities and roads. Grasslands that remain tend to be small and isolated. Increases in farm size and technology advances improved the operating efficiency of farms but have led to practices that harm bumble bees, including increased use of pesticides, loss of crop diversity which results in flowering crops being available for only a short time, loss of hedgerows and the flowers that grew there, and loss of legume pastures.

There are numerous programs, research, and groups working towards helping the rusty patch bumble bee. Some things you can do to help include having flowering plants, providing natural areas with native plants, and minimize the use of pesticides and chemical fertilizer. For more information, Visit <https://www.fws.gov/midwest/endangered/insects/rpbb/factsheetrpbb.html>

HISTORY:

File #041-11: A Special Use Permit for heavy equipment sales and service, a Variation to eliminate concrete paving and replace with gravel for outdoor storage of heavy equipment and sales area, and a Variation to increase the maximum allowable height for a free-standing sign from 8 feet to 30 feet for one business on a single lot in an I-1, Light Industrial Zoning District was approved November 17, 2011 for the property located at 854 Simpson Road. This property is located directly south of the subject property.

File #010-05: A Preannexation Agreement and Zoning Map Amendment from County AG and RR to I-1, Light Industrial Zoning District, a Special Use Permit for a distribution center and outdoor storage of vehicles including trailers used in transport for Parcels I and II in a I-1, Light Industrial District, a Zoning Map Amendment from R-1, Single-family Residential District to I-1, Light Industrial Zoning District, a Special Use Permit for a distribution center and outdoor storage of vehicles including trailers used in transport for Parcels III in a I-1, Light Industrial District, and a distribution center and outdoor storage of vehicles including trailers used in transport for Parcels IV in a I-1, Light Industrial District was approved March 28, 2004 for the properties located at 3901 and 39XX Dawes Road and 609, 619, 629, 633, and 711 Simpson Road. These properties are located south of the subject property.

REVIEW COMMENTS: The Applicant is requesting a Variation to increase the maximum allowed fence height from six (6) feet to eight (8) feet within the required 20-foot front yard setback along Simpson Road in an I-1, Light Industrial Zoning District. The subject property is located on the west side of Dawes Road between

Southrock Drive and Simpson Road. The neighborhood is a mixture of commercial and some residential uses (Exhibits B and C).

The Applicant, Adam Dach of Dach Fence, is requesting a Variation to accommodate a new fence within the front yard of Simpson Road. The Zoning Ordinance defines a front yard as "any yard adjoining a street shall be considered a front yard and shall meet the required setback for the respective district in which it is located". The Applicant is requesting to increase the maximum allowed fence height from six (6) feet to eight (8) feet within the required 20-foot front yard setback along Simpson Road. The Zoning Ordinance states "fences measuring over 6 feet and up to 8 feet, as measured from existing grade, are permitted in the front yard if setback from any street right-of-way line at least 20 feet".

The Applicant submitted Exhibit D, an aerial of the subject property showing the existing layout of the site and property lines. The Applicant submitted Exhibit E the site plan that shows the location of the proposed fence eight (8) feet in height. Additionally, Exhibit E shows that the fence eight (8) feet in height will be located 12 feet north of the south property line along Simpson Road.

Illinois State Law requires that in order for a Variation to be granted hardship must be proven by positive Finding of Fact. Exhibit F is a Letter from Curt Rohs the GM Distribution of Kelley Williamson Company. Curt Rohs, explains, "this application for a variance is somewhat unique in that the City of Rockford approached us to purchase a portion of our property, and is actually funding part of the cost to install fencing on the new line separating us from the portion we sold to you" (Exhibit F). Mr. Rohs, states, "our property is already enclosed in 8-foot-high chain link and all we're doing is extending it to the south a little farther to capture the remainder of our lot, (used for gasoline tanker parking)" (Exhibit F). Additionally, Mr. Rohs, states, "it would not only look very odd to transition from 8 foot to 6, it would compromise security and make gaining access to the tankers much easier; something that no one wants" (Exhibit F).

Furthermore, Curt Rohs, explains, "prior to moving to Baxter Road, FEDEX operated this facility and when we moved in, the City of Rockford determined that we required no special use permit because what we do falls within what has already been approved for at this site" (Exhibit F). Curt Rohs, states, "I assume they also had to apply for a variance when they originally installed the fence around this property and our northern most fence is twice as close to Southrock Drive as the new section we're proposing will be from Simpson Road to the south" (Exhibit F).

Finally, Curt Rohs, explains, "were we given verbal permission to bury the poles before the hard frost set in and have already spent in excess of \$50,000 on this project with the expectation of completing it before spring" (Exhibit F).

Staff does not oppose the Applicant's desire to have security of their property and feels that the Applicant's proposed request is reasonable and recommends approval of the requests subject to conditions.

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RECOMMENDATION: Staff recommends **APPROVAL** of a Variation to increase the maximum allowed fence height from six (6) feet to eight (8) feet within the required 20-foot front yard setback along Simpson Road in an I-1, Light Industrial Zoning District, subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Fence Permit for Staff's review and approval.
3. Submittal of fence elevations for Staff's review and approval.

SC: DM 05/10/2022

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
INCREASE THE MAXIMUM ALLOWED FENCE HEIGHT FROM
SIX (6) FEET TO EIGHT (8) FEET WITHIN THE REQUIRED
20-FOOT FRONT YARD SETBACK ALONG SIMPSON ROAD
IN A I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 3901 DAWES ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

Exhibit A
3901 Dawes Road
VAR
#011-22

I1

C3

SOUTH ROCK

I1

DAWES

I1

SIMPSON

C3

I1

C3

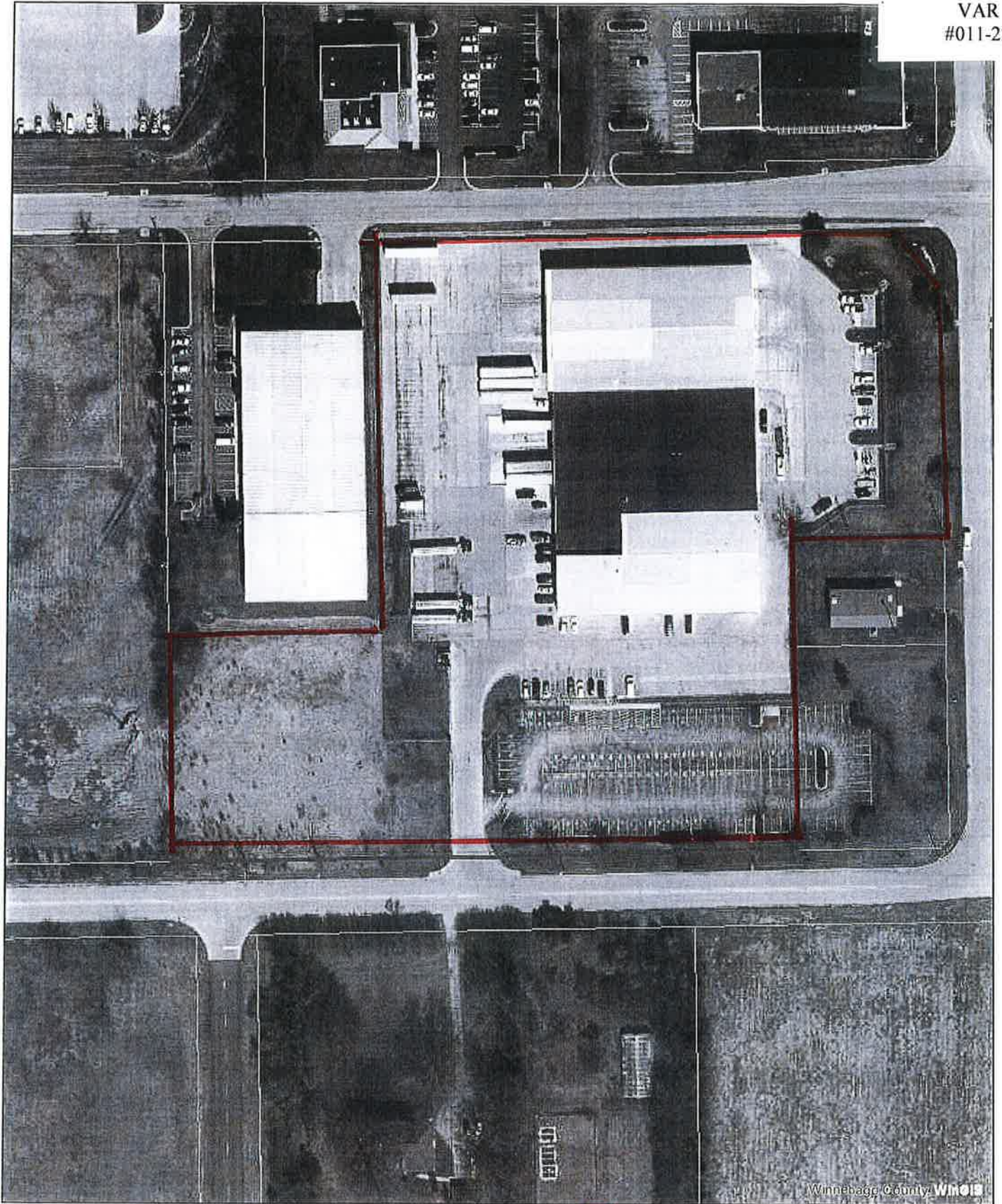
Exhibit B
3901 Dawes Road
VAR
#011-22

Exhibit C
3901 Dawes Road
VAR
#011-22



April 26, 2022

Exhibit D
3901 Dawes Road
VAR
#011-22



3901 DAWES RD

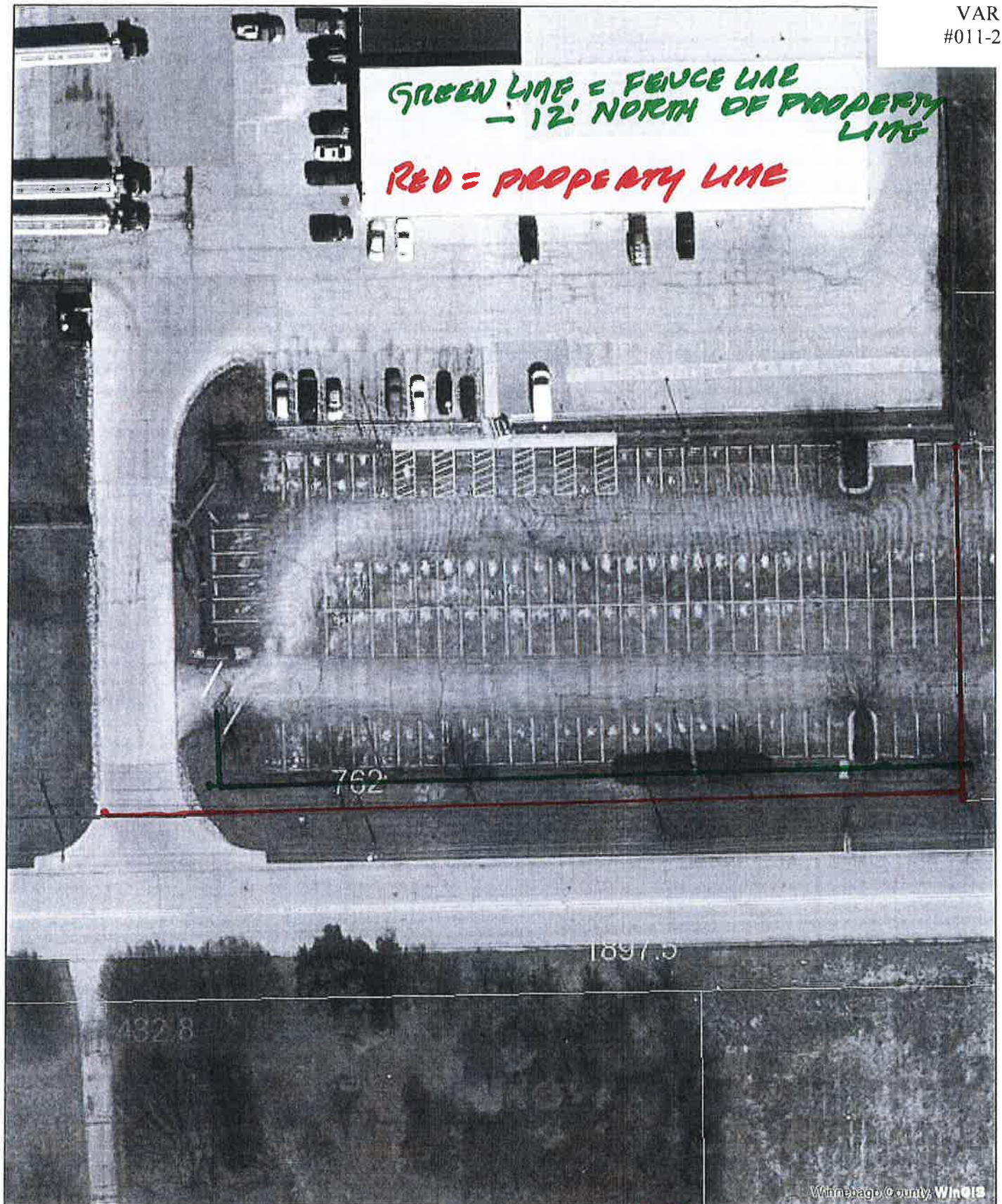
0 125 250 Feet

SCALE: 1:1,525

PROPERTY LINES

WIN GIS
Winnebago County Geographic Information System

WIN GIS cannot and does not warrant the accuracy of, priority, and boundary lines, dimensions of parcels and lot, location of structures or improvements, and topographic or geologic features on the land. Only on a verification or field survey by a licensed professional surveyor can parcels be fully and accurately surveyed.



3901 DAWES RD.

0 50 100 Feet

SCALE: 1:640

SITE PLAN

WIN GIS
Winnipeg County Geographic Information System

To Whom It May Concern:

This application for a variance is somewhat unique in that the City of Rockford approached us to purchase a portion of our property, and is actually funding part of the cost to install fencing on the new line separating us from the portion we sold to you. Our property is already enclosed in 8 foot high chain-link. All we're doing is extending it to the south a little farther to capture the remainder of our lot, (used for gasoline tanker parking). It would not only look very odd to transition from 8 foot to 6, it would compromise security and make gaining access to the tankers much easier; something that no one wants.

Prior to moving to Baxter Road, FEDEX operated this facility. When we moved in, the City of Rockford determined that we required no special use permit because what we do falls within what has already been approved for at this site. I assume they also had to apply for a variance when they originally installed the fence around this property? If that's true, wouldn't we also be covered by that variance? Our northern most fence is twice as close to Southrock Drive as the new section we're proposing will be from Simpson Road to the south.

I am not sure which Zoning Application Fee applies in this case? The new property lines resulting from our transaction with the city are not yet depicted on WinGIS, so I don't even know how many acres we still own? To be honest, we thought this matter was being taken up by the city in January. We apparently dropped the ball? However, were we given verbal permission to bury the poles before the hard frost set in and have already spent in excess of \$50,000 on this project with the expectation of completing it before spring? Now that appears to be in jeopardy.

Curt Rohs
GM Distribution
Kelley Williamson Company
815 509-3017